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ORDINANCE NO. 2009 - 006

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **DUBOIS PARK ADDITIONS (SCA 2009-005)**; MODIFYING PAGE 9 BY CHANGING A 1.175 ACRES PARCEL OF LAND LOCATED ON $\frac{1}{2}$ MILE NORTH OF INDIANTOWN ROAD AND 925 FEET EAST OF STATE ROAD A1A, AT THE TERMINUS OF DUBOIS ROAD; AND ARE ADJACENT TO THE EXISTING WEST BOUNDARY OF DUBOIS PARK, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO PARK (PARK); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on January 16, 2009, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 30, 2009, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 80 is amended as follows:

Application No.: Dubois Park Addition

(SCA 2009-005)

Amendment: Low Residential 2 units per acre (LR-2) to Park (PARK);

General Location: $\frac{1}{2}$ mile north of Indiantown Road and 925 feet east of State Road A1A, at the terminus of Dubois Road; and are adjacent to the existing west boundary of DuBois Park;

Size: Approximately 1.175 acres;

Condition: None

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

1 **Part IV. Inclusion in the 1989 Comprehensive Plan**

2 The provisions of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

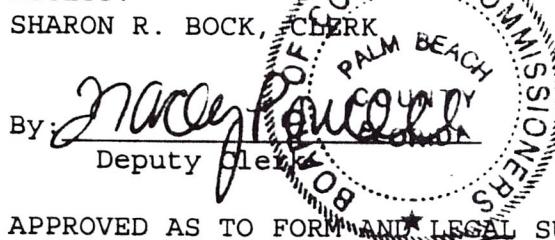
7 **Part V. Effective Date**

8 This amendment shall not become effective until 31 days after
9 adoption. If challenged within 30 days after adoption, this amendment
10 shall not become effective until the state land planning agency or the
11 Administration Commission, respectively, issues a final order
12 determining the amendment is in compliance.

13 **APPROVED AND ADOPTED** by the Board of County Commissioners of
14 Palm Beach County, on the 30th day of March, 2009.

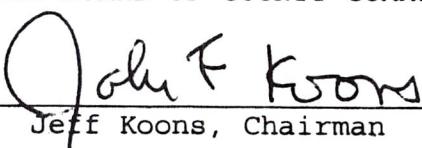
15 ATTEST:

16 SHARON R. BOCK, CLERK

17 By: 

18 Deputy Clerk

19 PALM BEACH COUNTY, FLORIDA,
20 BY ITS BOARD OF COUNTY COMMISSIONERS

21 By: 

22 Jeff Koons, Chairman

23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

24 

25 COUNTY ATTORNEY

26 Filed with the Department of State on the 3rd day
27 of April, 2009.

EXHIBIT 1

Amendment No.: Dubois Park Addition (SCA 2009-005)

FLUA Page No.: 9

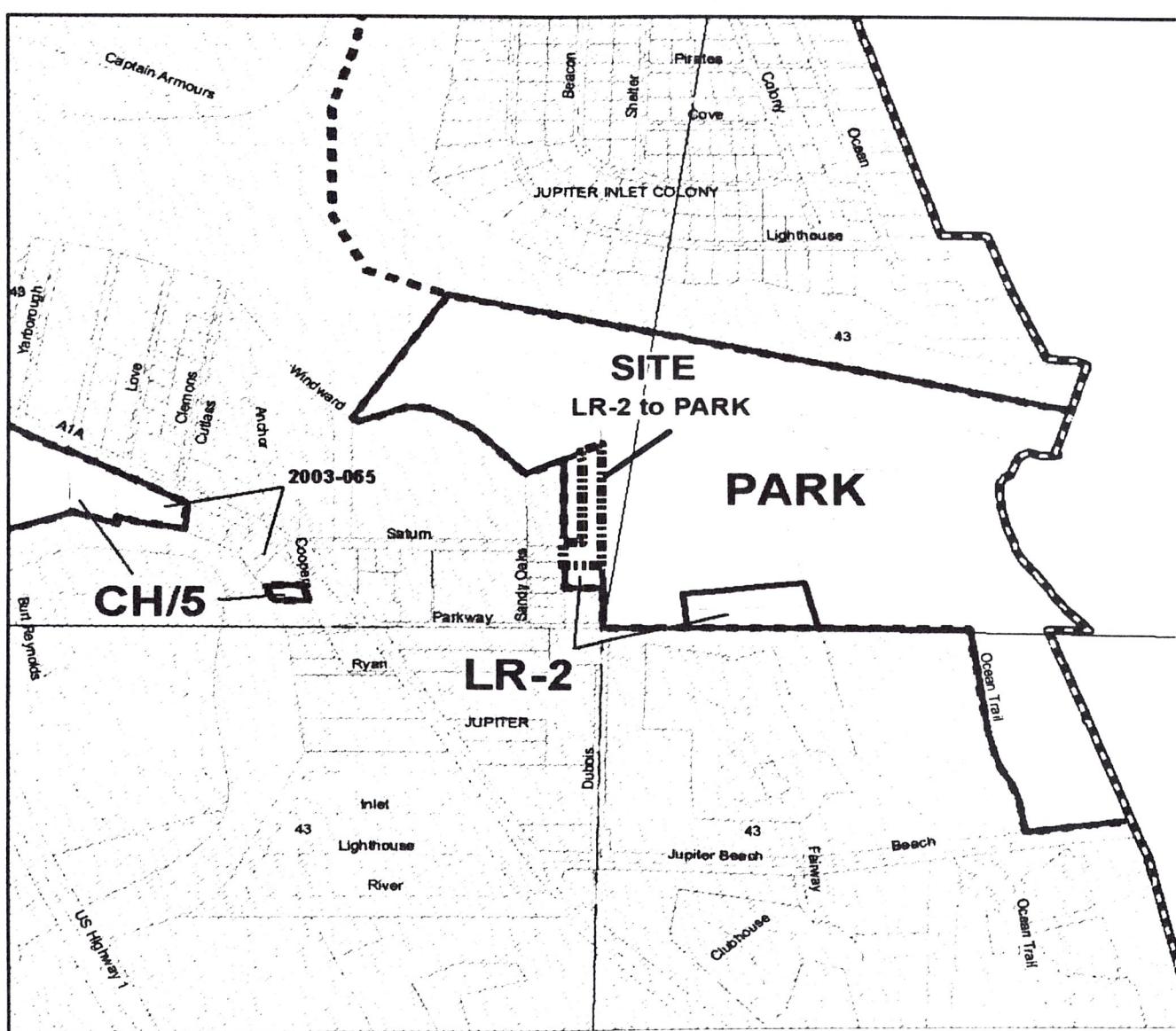
Amendment: LR-2 to PARK

Location: $\frac{3}{4}$ mile north of Indiantown Road and 925 feet east of State Road A1A, at the terminus of Dubois Road; and are adjacent to the existing west boundary of DuBois Park

Size: 1.175 acres

Property No.: 00-43-40-31-00-007-0060 and 00-43-40-31-00-007-0070

Condition: None



Legal Description

PARCEL 1

TAKE A POINT WHICH IS THE SOUTHEAST CORNER OF GOVERNMENT LOT 7, SECTION 31, TOWNSHIP 40 SOUTH, RANGE 43 EAST, THENCE RUN NORTH ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 290 FEET TO A POINT OF BEGINNING; THENCE RUN NORTH ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 100 FEET; THENCE RUN WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 150 FEET MORE OR LESS TO THE EAST LINE OF THE LAND CONVEYED TO A. J. HODGSON BY DEED RECORDED IN DEED BOOK 102, PAGE 449, PALM BEACH COUNTY RECORDS; THENCE RUN SOUTH ALONG SAID HODGSON'S EAST LINE A DISTANCE OF 100 FEET; THENCE RUN EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 150 FEET MORE OR LESS TO THE POINT OF BEGINNING.

TOGETHER WITH PARCEL 2

AS DESCRIBED AS:

THE EAST 75 FEET OF THE EAST 150 FEET OF GOVERNMENT LOT 7, SECTION 31, TOWNSHIP 40 SOUTH, RANGE 43 EAST, LESS THE SOUTH 390 FEET THEREOF.

TOGETHER CONTAINING 1.175 ACRES MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on MAR 3, 2009 C
dated at West Palm Beach, FL on 4/22/2009

By Judith C. Starnes
Deputy Clerk, FLORIDA
